

## **REMARKS**

Claims 1-23 are pending in the application. No claims have been amended, added, or cancelled.

### **35 U.S.C. § 103 Rejections**

In the present Office Action, claims 1-3, 8, 10-11, 15-18 and 20-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,945,987 (hereinafter “Dunn”), in view of U.S. Patent No. 6,453,471 (hereinafter “Klosterman”). In addition, claim 9 stands rejected under 35 U.S.C. § 103(a) over Dunn in view of Klosterman. Claims 4 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunn in view of Klosterman in further view of U.S. Patent No. 6,378,130 (hereinafter “Adams”). Claims 5 and 13 stand rejected under 35 U.S.C. § 103(a) over Dunn in view of Klosterman, in further view of U.S. Patent No. 6,144,402 (hereinafter “Norsworthy”). Claim 6 stands rejected under 35 U.S.C. § 103(a) over Dunn in view of Klosterman, in further view of U.S. Patent No. 7,032,028 (hereinafter “Clay”). Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) over Dunn in view of Klosterman, in further view of U.S. Patent No. 5,861,906 (hereinafter “Dunn2”).

Applicant respectfully traverses the above rejections and requests reconsideration in view of the following discussion.

In the present Office Action, the Examiner maintains the suggestion that independent claims 1, 10, 16, 18 and 20 are unpatentable over Dunn in view of Klosterman. Further, in response to Applicants previous arguments, it is suggested that

“although Applicant has suggested what the combination of Dunn and Klosterman may teach, the Applicant has not argued how these proposed teachings fail to teach the claims limitations. As stated in the previous Office Action, Dunn teaches all of the claim limitations, but is silent as to the use of a broadcast carousel.”

It is first noted that Dunn merely discloses a video-on-demand system in which previews of available videos are displayed from which a viewer may select an associated program to be ordered. Dunn discloses:

"FIGS. 12-14 show a method for operating the interactive system in the VOD mode. . . . Beginning with step 216 in FIG. 12, the viewer activates the VOD application by switching the STB to the designated VOD channel. Initial data is received by the STB from the headend (step 218). Such data might include category lists, star lists, new releases lists, or other information that is useful in the startup phase. At step 220, the VOD application initiates the preview browse user interface and the initial screen display 70 (FIG. 3) is depicted.

The default set of "new releases" trailers are shown. . . . If the viewer wishes to select a new group of programs, the viewer can actuate the "choices" button 78 to pull up various lists of criteria (e.g., star name, title, viewer list, etc.). From the one or more lists, the viewer actively specifies a criteria to select a group of programs (step 222). The criteria is transmitted from the STB to the headend (step 224).

At the headend, a search of the SQL database is conducted to locate program records which meet the search criteria (step 226). . . . At step 228, the set of program records that meet the criteria are sent back to the requesting STB in the form of data packet 120 (FIG. 8). This packet includes the program monikers and IDs, and the trailer monikers and IDs.

At step 230, the viewer actuates the "preview" icon button 142 (FIGS. 5 and 9) to request play of the first preview video trailer in the program set. This request is sent to headend, which begins transmitting the preview of the first trailer in the group in response (step 232).

Back at the STB, the previews of the requested set of programs are displayed on the TV set (step 234 in FIG. 12) and the program and trailer monikers are queued in the same order that the trailers are played (step 236 in FIG. 13). As described above, the viewer can watch the trailers as they are presented, or skip through them at the viewer's own pace." (Dunn, col. 12, lines 5-47).

From the above it can be seen that Dunn discloses an STB receives initial data from the headend and default previews are displayed. A viewer may then specify criteria

(e.g., a star name) and transmit a corresponding request to the headend. The headend uses the request to locate records matching the criteria and returns data in response (i.e., the list of matches). The viewer may then request play of a trailer from the list of matches by sending a request to the headend. In response to the viewer request, the headend transmits the trailer.

What should be appreciated from the above is that Dunn alone does not teach all of the claim limitations except the use of a broadcast carousel. In particular, Dunn fails to teach “retrieving a first module of said modules at the client device from the single channel, in response to matching the received qualifying module number to said first module,” as recited because the recited “said modules” are “not broadcast responsive to a client request,” whereas Dunn only discloses retrieving programs that match a search request that are also transmitted in response to the search request.

In the present Office Action, the examiner asserts that Klosterman teaches the use of a broadcast carousel and selecting trailers for preview from a list and that the combination of Dunn and Klosterman meets the presently claimed invention. However, Klosterman simply discloses a preview channel in which trailers are repeatedly transmitted in a carousel or a loop. For example, Klosterman discloses:

“The present invention is a method and system for providing video previews for particular programs selected from an electronic programming guide.” (Klosterman, col. 1, lines 58-60).

“FIG. 10 depicts alternative ways of transmitting the trailers. One trailer bit stream can transmit a single trailer as a carousel 900. Thus, for a particular show the preview controller 706 selects the particular bit stream and the trailer will be displayed with no perceptible delay. Alternatively, a plurality of trailers can be transmitted as a single bit stream. Each trailer is included on a carousel 902. In this embodiment, less bandwidth is required but there may be a perceptible delay before a particular trailer is displayed.” (Klosterman, col. 10, lines 40-48).

“In the preferred embodiment, the user can activate a guide entry for a particular movie and view a preview, known as a trailer, of the movie in a preview window 12 displayed on the screen. The entry may be

activated by first moving the pointer/cursor over the entry in the guide and then clicking to activate the preview or activation can be self-actuated whenever the pointer/cursor is moved over an entry. In a preferred embodiment the preview window 12 is sized so that the video can be smaller to reduce bandwidth requirements.” (Klosterman, col. 2, lines 56-65).

“FIG. 7 is a block diagram of one embodiment of the invention and FIG. 8 is flow chart depicting the steps to previewing a program. Referring to FIGS. 7 and 8, an EPG system 700 performs the database engine and user interface functions as described above. An EPG video signal 702 is provided as a primary signal to be displayed on a first portion of a display screen by a picture-in-picture (PIP) controller 704.

A preview controller 706 is provided information identifying a particular program selected by the user. The preview controller 706 controls the decoder 36 to tune to the band carrying the preview bitstream, . . . identify a preview packet corresponding to the program identified by the viewer, and . . . provide an auxiliary video signal displaying the preview video corresponding to the selected program. Additionally, if the preview includes audio the preview controller causes the decoder to process audio bits in the preview packet and provide an audio signal to the television set.” (Klosterman, col. 10, lines 11-31).

Accordingly, Klosterman merely discloses that a list of available previews are provided to a viewer. The viewer may select a trailer/preview video from the provided list. The selected trailer is then displayed. In one embodiment, the trailers are transmitted on a carousel. However, in contrast to the recited “retrieving a first module of said modules at the client device from the single channel, in response to matching the received qualifying module number to said first module,” Klosterman’s user merely selects a trailer/preview without matching a received qualifying module number. Accordingly, Applicant finds no teaching or suggestion in Klosterman of “retrieving a first module of said modules at the client device from the single channel, in response to matching the received qualifying module number to said first module,” as is recited in claim 1.

Furthermore, Applicant submits the combination of Dunn and Klosterman does not provide the presently claimed invention. Instead, the combination provides a system

in which programs may be selected in two different ways. First, as taught by Dunn, a user may retrieve programs that match a search request that are also transmitted in response to the search request. Second, as taught by Klosterman, a user may select a trailer/preview from whatever is presented, but without matching any search criteria. Merely adding Klosterman's pushed trailers to the system of Dunn does not meet the claimed limitations. Applicant finds no teaching or suggestion that the request sent by the viewer to the headend (i.e., Dunn's request for a new group of trailers that match a set of search criteria) would result in receiving a qualifying module number that would match a trailer as taught by Klosterman (i.e., a pushed trailer). Nor would there be any motivation to attempt to match a qualifying module number to Klosterman's trailers. For one thing, Dunn already teaches a video-on-demand system in which previews of available videos are displayed from which a viewer may select an associated program to be ordered. Therefore, Klosterman's pushed trailers do not add anything to Dunn that is not already there. Since Dunn does not teach matching search criteria to these previews, Dunn neither teaches nor suggests a combination in which a viewer would match search criteria to Klosterman's pushed trailers. Alternatively, in the proposed combination, a viewer may select a preview from an EPG such as is provided in Klosterman's system. However, Applicant finds suggestion to modify this method of viewing a preview by sending search criteria to the headend to determine which preview matches the criteria.

Accordingly, in the combined system, a viewer may either select for display a non-requested trailer from a predetermined list – or, a viewer may request conveyance of further trailers and select from the requested and returned trailers. However, Applicant finds no teaching or suggestion in the cited art, taken either singly or in combination, of “retrieving a first module of said modules at the client device from the single channel, in response to matching the received qualifying module number to said first module,” as is recited in claim 1. For at least the above reasons, Applicant submits that claim 1 is patentably distinguished from the cited art, taken either singly or in combination. In addition, as each of independent claims 10, 16, 18 and 20 include similar features, each of these claims is believed patentably distinguished for similar reasons. As each of the

dependent claims includes the features of the independent claims on which it depends, each of the dependent claims is patentably distinct for at least the above reasons.

Further, the dependent claims recite additional features not disclosed by the combination of cited art. For example, Applicant does not find the features of claim 8, 15, 19, and 23 disclosed by Dunn. On page 5 of the present Office Action, the Examiner responded to Applicant's argument that the next/previous trailer is not equivalent to "a selected advertisement associated with the search request" by noting that since Applicant has provided no reason as to why no such equivalent exists, the cited portion of Dunn stands. As previously noted, the cited portion of Dunn simply states:

"At step 238, it is determined whether the viewer has skipped to a next or previous trailer. If so (i.e., the "yes" branch from step 238), flow continues in FIG. 14 with step 250 of retrieving the next/previous moniker in the queue. This moniker is transmitted to the headend (step 252) and used to retrieve the appropriate trailer video stream from the CMS database (step 254). The next/previous trailer is then transmitted back to the STB (step 256). In this manner, the STB stops playing the existing trailer and begins playing the next/previous trailer on the TV (step 258). This process gives the viewer control to surf through the clips. Additionally, there is no screen dead time between trailers as the next/preview trailer begins upon cessation of the present trailer." (Dunn, col. 12, lines 48-61). (emphasis added).

Applicant submits Dunn says nothing about including advertisements in the CMS database or associating advertisements with the search request. Accordingly, claims 8, 15, 19, and 23 are patentably distinguishable from the combination of cited art.

**CONCLUSION**

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-08801/RDR.

Respectfully submitted,

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